

CIVIL DOCKET  
UNITED STATES DISTRICT COURT

BARROW

73-C-19  
73-C-20 } Cons.  
73-C-21 }  
73-C-22 }

D. C. Form No. 106A Rev.

Jury demand date: 2/20/73 by Satterlee

3/7/73 by Defendant, Satterlee

3/7/73 by Def. Joplin Butane Company

3-14-73 by plaintiffs attorneys

TITLE OF CASE

Robert L. Smith,

v.

Harry A. Satterlee, Satterlee  
Plumbing & Heating Inc., a  
corporation, Joplin Butane  
Company, a corporation,

Honeywell, Inc.,  
Additional party defendant

For plaintiff:

Ben T. Owens (Smiths)  
Wallace & Owens  
P. O. Box 1168  
Miami, Oklahoma 74354  
918 542-5501

Floyd L. Walker (Williams)  
405 Mayo Bldg., Tulsa 74103

H. G. E. Beauchamp (Williams)  
Box 230, Miami 74354

For defendant:

Lee Grigg  
Thurston Natl. Bldg.  
Tulsa, Okla. 74103

Alfred B. Knight  
310 Beacon Building  
Tulsa, Okla 74103 - for Joplin Butane Co

Richard Carpenter (for Satterlee)  
205 Denver Bldg., Tulsa, Okl.

Dan Rogers (Honeywell)  
117 E. 5th  
Tulsa, Okla. 74103  
583-5111

74119

582-5181

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 2-1-73	Clerk	1/22/73	Owens	1500	
J.S. 6 mailed 3-1-75	Marshal	1-26-73	C.D.No.33		15 00
Basis of Action: personal injury	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
1/22/73	Complaint filed, summons issued, jj	
2-7-73	Summons, ret. & filed: served Joplin Butane Co., 1-26-73; Harry A. Satterlee and Satterlee Plumbing & Heating Co., 1-31-73, all at Joplin, Mo. (USM \$46.80)g	
2-14-73	Defendant Joplin Butane Co.'s answer, filed. ds	
2-20-73	Separate Answer of Satterlee plumbing, w/ <u>demand for jury trial</u> , filed. rm	
2-20-73	Appl & ORDER granting deft. Harry A. Satterlee an ext until 3-6-73 in which to answer or plead. Filed. (JCS-Clerk by br) r (Copies mailed)	
3-6-73	Answer of defendant, Satterlee, to complaint, filed. ds	
3-7-73	<u>DEMAND FOR JURY TRIAL</u> , filed by deft. Satterlee. jj	
3-7-73	<u>DEMAND FOR JURY TRIAL</u> , filed by def. Joplin Butane Company. jj	
3-13-73	Parties directed to hold pre-trial prior to 4-23-73 and file pre-trial order not later than 4-30-73. (AEB-J)hm	
3-14-73	Plaintiffs request for jury trial, filed. ds	
3-16-73	Request for inspection of premises filed by plaintiff. h <i>complied with.</i>	
4-12-73	Interrogatories to def. Joplin by pltf., filed. rm	
4-12-73	Interrogatories to def. Harry Satterlee by pltf., filed. rm	
4-17-73	Stipulation by parties that date for completion of discovery and pre-trial order be extended 90 days from date, filed. (order to Judge)	
4-20-73	Motion for enlargement of time pursuant to Tule 6(b)(1), FRCP, filed. v	
4-20-73	Brief in support, filed. v	
4-27-73	<del>Order</del> extending time for completion of discovery and filing of pre-trial order to July 19, 1973, filed. (AEB-J)g	
4-27-73	Order consolidating Nos. 73-C-20, 73-C-21 and 73-C-22 with this case, filed. (AEB-J)g cpies mailed. g	
4-27-73	<u>Deft. Joplin Butane Answers to Interrogatories</u> , filed. jj	
5-15-73	Answers to Interrogatories, filed by Deft., Harry A. Satterlee. v	
5-18-73	Int. to Harry Satterlee and Satterlee Plbg. and Heating Co., filed. jj	
5-18-73	First Interrogatories of Deft. Satterlee Plumbing & Heating, Inc., to Pltf.-directed to Robert L. Smith, filed. v	
5-18-73	1st Interrog.s of Deft. Satterlee Plumbing to Pltf., -directed to Billy Joyce Smith, filed. v	
5-18-73	1st Interrogs. of Deft. Satterlee Plumbing to Pltf., -directed to Roger Williams, filed. v	
5-18-73	1st Interrogs. of Deft. Satterlee Plumbing to Pltf., -directed to Mildred Williams, filed. v	
6-18-73	Answers of Harry A. Satterlee and Satterlee Plumbing & Heating Co. to interrogatories propounded by pltf.s. Roger and Mildred Williams, filed. g	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-20-73	Ans. to Int. of Deft. Satterlee Plumbing & Heating, Inc. to Pltf. Roger Williams, filed. jj	
6-20-73	Ans. to Int. of Deft. Satterlee Plumbing & Heating, Inc., to Pltf. Mildred Williams, filed. jj	
6-21-73	Ans. to Int. of Deft. Satterlee Plumbing and Heating, Inc., to Pltf. Billie Joyce Smith, filed. jj	
6-21-73	Ans. to Int. of Deft. Satterlee Plumbing and Heating, Inc. to Plt. Robert L. Smith, filed. jj	
7-9-73	Interrogatories to def. Satterlee & Satterlee Plumbing by pltf. Williams, filed. rm	
7-9-73	Interrogatories to def. Joplin by pltf. Williams, filed. rm	
7-9-73	Mo/for production of documents under Rule 34 by pltf., filed. rm	
7-11-73	Deft. Joplin Butane Answers to Interrogatories, filed. jj	
7-19-73	Answers of Satterlee Plumbing & Heating, Inc., to Interrogatories of Plaintiffs, Roger and Mildred Williams, filed. v	
7-19-73	Responses of Satterlee Plumbing & Heating, Inc., to Motion of Roger & Mildred Williams For Production of Documents and Things Under Rule No. 34 F.R.C.P., filed. v	
7-19-73	Motion of Deft. Satterlee Plumbing & Heating, for an Order to Require Plaintiff Mildred Williams To Further and More Fully Answer Interrogatories, filed. v	
7-19-73	Mot. of Deft. Satterlee Plumbing for Order to Require Pltf. Roger Wms. to Further and More Fully Answer Interrogatories, filed. v	
7-19-73	Mot. of Deft. Satterlee Plumbing for Order to Require Pltf. Billie Joyce Smith to Further and More Fully Answer Interrogatories, filed. v	
7-19-73	Mot. of the Deft. Satterlee for order to require pltf. Robert L. Smith to Further and More fully answer interrogatories, filed. v	
7-19-73	Brief of Deft Satterlee in support of above 4 motions for orders requiring Pltfs to further answer interrogatories, filed. v	
7-19-73	Ordered by the Court that Plaintiffs are granted 10 days from this date to respond to Deft. Satterlee Plumbing & Heating's Motions for an order to require Plaintiffs to further and more fully answer interrogatories. (AEB-J)v	
7-20-73	Motion for extension of time for filing pre-trial order, filed by Pltf.s, Roger and Mildred Williams. v	
7-20-73	Brief in support, filed. v -order to Judge.	
7-20-73	Ordered by the Court that Deft. is granted 10 days from this date to respond to Pltf.'s Motion for extension of time for filing pre-trial order. (AEB-J)v	
7-23-73	Response to Mtn. for Extension of time for Filing PT order, filed. jj	
	Deft.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-23-73	Order, filed, that the date for completion of discovery and filing of a Pre-Trial Order in these consol. cases is extended to 9-17-73, upon the motion of Plaintiffs. (AEB-J)v -copies mailed.	
7-24-73	Depositions of Roger Williams, Mildred Williams, Billie Joyce Smith and Robert L. Smith, for the defendants, on June 14, 1973, and the depositions of Harry A. Satterlee, Gayle Childress and Melvin Cooper for the plaintiffs, on June 14, 1973, at Miami, Oklahoma, filed. G. C. Freeman, Jr. CSR. Defendants, \$246.00. Plaintiffs, \$171.00. ds	
7-27-73	Roger and Mildred Williams' response to Satterlee Plumbing and Heating's motion to require plaintiffs to make further answers to interrogatories, filed. ds	
7-27-73	Roger and Mildred Williams' motion for order compelling discovery under Rule 37, filed. ds	
7-27-73	Brief in support of motion to compel discovery under Rule 37, filed. ds	
7-27-73	Ordered by the court that defendant's respond to plaintiff's motion to compel discovery with a reply brief within ten days. (AEB-J) ds	
7-30-73	Response of Plt. Robt. L. Smith to Mtn. of Deft., Satterlee Plumb. & Htg. for an Order to require said Pltf. to further and more fully ans. int., filed. jj	
7-30-73	Response of Plt. Billie Joyce Smith to Mtn. of Deft. Satterlee Plumb. & Htg. for an order to require said plt. to further and more fully ans. int., filed. jj	
7-30-73	Brief of pltfs. Billie Joyce Smith and Robert L. Smith in support of their responses to Mtns of Def. Satterlee Plb. and Htg. for order requiring pltfs to more fully ans. int., filed. jj	
8-1-73	Response Brief of Deft. Satterlee Plbg & Htg to the Mtn. of Roger and Mildred Williams for Order Compelling Discovery, filed. jj	
8-1-73	Response to Pltfs' Mtn. for Prod. of Documents and Things under Rule 34, filed. jj	
8-6-73	Answers to Interrogatories, filed by Deft. Harry A. Satterlee. v	
8-6-73	Response to Pltf.s' Mot. for Production of Documents & Things Under Rule 34, filed by Deft. Harry A. Satterlee. v	
8-22-73	Ordered that Magistrate conduct hearing on pltfs' motion for production of documents and things under R. 34; motion of Roger & Mildred Williams for order compelling discovery under Rule 37; motion of deft. Harry A. Satterlee for orders to require the four pltfs. to further and more fully answer interrogatories. (AEB-J)hm	
8-22-73	Case called for hearing on above motions and passed to next motion docket before Magistrate. Counsel orally request Magistrate to conduct pre-trial meeting on Sept. 7, 1973. (MLB-Mag)hm	
9-5-73	Suppl. Response to Satterlee Plumbing & Heating, Inc. to Mtn. of Roger and Mildred Williams for Prod. of Doc. and Things under Rule No. 34 FRCP, filed. jj	

(Cont)

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-10-73	Hearing held on motion of deft Saterlee Plumbing to require pltfs. to further and more fully answer interrogatories which have been served upon them. Statements made. It is recommended that motion be sustained and deft. counsel to prepare formal F&R within 5 days. (MLB-Mag)hm	
9-11-73	Findings and recommendations of Magistrate, filed. (MLB-Mag)hm (copies mailed)	
9-25-73	Appl. of pltfs. for ext. of time to comply w/F&R of Magistrate, filed. rm	
9-26-73	Order filed that def. Saterlee Plumbing's motion for order to require the Plaintiffs to further answer interrogatories is sustained. (AEB-J)h copies	
9-26-73	Order filed that time for plaintiffs to comply with paragraph 8 of Findings and Recommendations of the Magistrate of 9-11-73 is enlarged to Oct. 26, 1973. (AEB-J)h -copies mailed.-	
10-25-73	Application for ext. of time for pltfs. to comply with the F&R of the Magistrate of 9-11-73, filed. hm	
10-26-73	Order, filed, granting pltfs. until 11-26-73 to comply with F&R of Magistrate. (AEB-J)hm (copies mailed)	
11-6-73	Appl. to join add. party deft., filed. a	
11-7-73	Order granting plaintiffs permission to join Honeywell, Inc. as additional party defendant, filed. (AEB-J) ds <i>copies mailed</i>	
11-26-73	Appl. for ext. of time for Pltfs to comply w/Find. & Rec. of Mag. of 9-11-73, fld. v -o-	
11-26-73	Stip., re: above ext. of time, filed. v	
11-27-73	Amended complaint (73-C-21), filed. Summons issued to Honeywell. rm	
11-27-73	Amended complaint (73-C-22), filed. Summons issued to Honeywell. rm	
11-27-73	Amended complaint (73-C-19), filed. Summons issued to Honeywell. rm	
11-27-73	Amended complaint (73-C-20), filed. Summons issued to Honeywell. rm	
11-30-73	U.S. Marshal's service returned and filed. Executed by serving Amended Complaint and Summons upon Honeywell, Inc., 11-28-73 in all consolidated cases. (USM \$16.72)jj	
12-6-73	MO: "Upon oral advice of Mr. Floyd Walker's office, the Mot. of Roger & Mildred Wms. for order compelling discovery under R. 37, is now moot, Pltff. having complied by the filing of an affidavit". (AEB-J)v <i>to mld to parties</i>	
12-14-73	<i>Honeywell ans. due 12-18-73 / Appl. to file PT later will be in.</i> Applic. of deft. Satterlee Plumbing & Heating for ext. of time to file ans. or plead, and order granting deft. 15 days from 12-15-73 to plead. (JCS-Clerk)hm (copies mailed by Mr. Grigg)	
12-18-73	Appl. for ext. of time to ans., fld. by Deft. Honeywell. v (o)	
12-20-73	Appl. for Ext. of Time to Plead or Answer, filed. a <i>rtg</i>	
12-20-73	Order filed, granting defendant Honeywell, Inc. until 1-30-74 to answer. ds (AEB-J) <i>copies mailed</i>	
12-21-73	Deft. Joplin Butane Company's Answer to Amended Complaint of Pltff. Robert L. Smith, filed. a	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-20-73	Application for extension of time to plea or answer filed, by deft. Harry A. Satterlee, Order filed that deft. Harry A. Satterlee is granted to 15 days from Dec. 20, 1973 in which to plead or answer. (AEB-J)h	
12-28-73	Ans. of Satterlee Plumbing & Heating, Inc. to Pltf Rbt. Smith's Amend. Compl., filed. v	
12-28-73	Ans. of Satterlee Plumbing & Heating to Pltf Bille Joyce Smith's Amend. Compl., filed. v	
12-28-73	Ans. of Satterlee Plumbing & Heating to Pltf Mildred Wms' Amend. Compl. v	
12-28-73	Ans. of Satterlee Plumbing & Heating to Pltf Roger Wm's Amend Compl. v	
1-4-74	Amended answers of Roger & Mildred Williams to interrogatories 8, 9, 11 and 13 propounded by defs. Satterlee Plumbing, filed. rm	
1-11-74	Amended answers of plaintiff Robert L. Smith and Billy Joyce Smith to Interrogatories 8, 9, 11 & 13 of defendants Satterlee Plumbing, filed. ds	
1-18-74	Answer of Honeywell, Inc. to amended complaint of Robert L. Smith, filed. hm	
2-7-74	Deft.'s First Set of Interrogatories to Pltfs, Mildred Wms., Billy Joyce Smith & Rbt. L. Smith, filed. v	
<u>2-7-74</u>	<u>Ans. of Harry A. Satterlee to Amended Complaints, filed. v</u>	
3-20-74	Parties directed to hold pre-trial conference prior to 4-25-74 and file PT order not later than 5-2-74. (AEB-J)hm	
3-22-74	Plaintiff Robert L. Smith's answer to defendant Satterlee's interrogatories, filed. ds	
3-22-74	Plaintiff Billie Joyce Smith's answer to defendant Satterlee's interrogatories, filed. ds	
3-26-74	Answer of Pltf, Mildred Williams, to Interrogatories Propounded by Deft. Harry A. Satterlee, filed. e	
4-10-74	Application of deft. Honeywell, Inc. for ext. of time to complete discovery and file pre-trial order, filed. g	
4-10-74	Order granting deft. Honeywell, Inc. to 5-25-74 to complete discovery and file pre-trial order, filed. (AEB-J)g <i>per mail</i>	
4-12-74	First interrogatories of pltfs. Billie Joyce and Robt. L. Smith and Roger and Mildred Williams to deft. Satterlee Plumbing & Heating, Inc., filed. g	
4-25-74	Pltf's Interrogatories Propounded to Honeywell, Inc., filed. e	
5-15-74	Answers to Deft. Satterlee Plumbing & Heating, Inc. to Interrogatories of Pltfs Billie Joyce Smith, Robert L. Smith, Roger Williams and Mildred Williams, filed. jj	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-23-74	Mot. of Honeywell, Inc. to ext. of time to answer interrogatories, filed. g <i>ctf</i>	
5-24-74	Order, filed, granting Honeywell, Inc. until 6-14-74 to answer interrogatories. (AEB-J)g copies mailed.	
6-7-74	Deposition of Philip L. Jones on behalf of deft. Honeywell, Inc., filed. (\$115.50)g	
7-19-74	Supplemental response of Satterlee Plumbing & Heating Inc. to Ans. given on deposition, & Affidavit of Harry A. Satterlee supplementing answers to deposition, filed.k	
<u>7-22-74</u>	Pre-Trial Order, filed. (AEB-J)g	
8-5-74	Notice of Deposition, filed. Julie Duncan will be deposed in Tulsa on 8-7-74. v	
8-19-74	MO: Case set for jury trial on 11-11-74, at 9:30 A.M.(AEB-J) b	
9-6-74	Deposition of Bill E. Forney, filed. g	
9-6-74	Deposition of Robert G. Boyer, filed. g	
9-16-74	Stipulation for partial dismissal, filed by Robt. L. & Billie Joyce Smith & Roger & Mildred Williams. k	
10-1-74	Deposition of Alfred Benberg, filed. v	
10-1-74	Deposition of Elizabeth A. Thomason & Edgar Roger Williams, filed. v	
10-3-74	Plaintiffs' motion to compel discovery, filed. g	
10-3-74	Memorandum brief in support of mot. to compel discovery under Rule 37, filed. g	
10-3-74	Plaintiffs' second interrogatories propounded to Honeywell, Inc., filed.g	
10-3-74	Plaintiffs' consolidated document demands, filed. g	
10-3-74	MO: It is ordered by the Court that Deft. Honeywell, Inc. is granted 10 days to respond to pltf's Mot. to compel discovery. (AEB-J)k <i>aps</i> <i>md</i>	
10-9-74	Honeywell, Inc.'s answers to pltf's interrog, filed.k	
10-10-74	Order of Partial Dismissal, filed, as to Defts., Satterlee, Saterlee Plumbing etc. and Joplin Butane Co. without prej. and without award of costs. Case to continue against Honeywell, Inc. (AEB-J) CERT. copies mailed jj	
10-15-74	Response to Pltfs.' Consolidated Document Demands, filed by Deft. Honeywell, Inc. v	
10-22-74	Ordered by the Court that the plaintiff's motion to compel discovery is overruled as being moot. (AEB-J)hm	

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DATE	PROCEEDINGS	Date Order or Judgment Note
10-23-74	Honeywell, Inc.'s Answers to Pltfs. Second Interrog., filed. b	
11-4-74	Pltf's motion to strike from trial assignment, filed. b <i>agrees with parties</i> by the Court	
11-5-74	MO: It is Ordered/that Plaintiff's motion for continuance is granted and the case is continued until the next jury docket. (AEB-J)b By MC <i>Ita could be parties</i>	
12-5-74	Deposition of Michael Joseph Lundy on behalf of pltf., filed. g(\$77.50)	
1-6-75	Cases set for jury trial 1-27-75 at 9:30 a.m. (AEB-J)hm	
1-16-75	Deft. Honeywell's Memo. of Authorities and Issues, filed. lm	
1-24-75	Pltf's trial brief on question of liability of deft., Honeywell, Inc., filed.k	
1-24-75	Pltf's requested instructions, filed.k	
1-27-75	Case called for jury trial. Parties represented. Pltf. announces settlement and given 10 days to file final papers. (AEB-J)b	
2-20-75	Appl. of Pltfs. for Dismissal, filed. v (o)	
2-21-75	Order of dismissal, as to def. <u>Honeywell, Inc. only</u> , w/prejudice, filed and entered. (AEB-J)rm - copies mailed	